

That the correct priority date for all asserted claims of the '851 patent is the date of the filing of application 09/400,296;

That asserted claims of the '851 patent are invalid under 35 U.S.C. §§ 101, 102, 103, and/or 112;

That asserted claims of the '501 patent are invalid under 35 U.S.C. §§ 102 and/or 103;

That asserted claims of the '703 patent are invalid under 35 U.S.C. §§ 102 and/or 103;

That in the event Defendants are found to have infringed and the patents are found to be enforceable and not invalid, Defendants' liability for damages in such an eventuality begins no earlier than March 29, 2012.

In support of this motion Defendants shall rely upon this Notice of Motion as well as a Memorandum of Law in Support of Defendants' Motion for Summary Judgment, a Rule 56.1 Statement of Undisputed Material Facts, and supporting documents to be filed with the Court pursuant to the below schedule.

The briefing schedule for post-discovery summary judgment motions is as follows:

Notice of Motion for Summary Judgment:	January 24, 2014
Opening Motion Papers:	January 31, 2014
Opposition Papers:	February 14, 2014
Reply Papers:	February 21, 2014

The Court has further scheduled a Final Pre-Trial Conference for February 28, 2014, at which time, according to the Court's Scheduling Order (Dkt. No. 20), the Court will hear oral argument on then-pending summary judgment motions.

Dated: New York, New York
January 24, 2014

ARNOLD & PORTER LLP

/s/ Yue-Han Chow

Louis S. Ederer
Susan L. Shin
Yue-Han Chow
Maxwell C. Preston
399 Park Avenue
New York, NY 10022-4690
Telephone: (212) 715-1000
Facsimile: (212) 715-1399
louis.ederer@aporter.com
susan.shin@aporter.com
yue-han.chow@aporter.com
maxwell.preston@aporter.com

Ali R. Sharifahmadian (*pro hac vice*)
Sarah Brackney Arni (*pro hac vice*)
555 Twelfth Street, NW
Washington, DC 20004-1206
Telephone: (202) 942-5000
Facsimile: (202) 942-5999
ali.sharifahmadian@aporter.com
sarah.arni@aporter.com

Michael A. Berta (*pro hac vice*)
Willow Noonan (*pro hac vice*)
Three Embarcadero Center, #10
San Francisco, CA 94111
Telephone: (415) 356-3000
Facsimile: (415) 356-3400
michael.bertha@aporter.com
willow.noonan@aporter.com

*Attorneys for Defendants Barnes & Noble,
Inc., barnesandnoble.com llc, and Nook
Media LLC*

CERTIFICATE OF SERVICE

I, hereby certify that on January 24, 2014, copies of the foregoing were caused to be served upon the following in the manner indicated:

Kenneth Rubenstein, Esq.
Baldassare Vinti, Esq.
PROSKAUER ROSE LLP
11 Times Square
New York, NY 10036

VIA ELECTRONIC MAIL

Steven Michael Bauer, Esq.
Kimberly A. Mottley, Esq.
Micah W. Miller, Esq.
Brendan Cox, Esq.
Patrick Niedermeier, Esq.
Erin Staab, Esq.
PROSKAUER ROSE LLP
One International Place
Boston, MA 02110

VIA ELECTRONIC MAIL

Colin Cabral, Esq.
PROSKAUER ROSE LLP
2049 Century Park East
Los Angeles, CA 90067

VIA ELECTRONIC MAIL

/s/ Yue-Han Chow

Yue-Han Chow